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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,898	08/28/2003	David T. Bruce	10003603-5	8695

7590 10/14/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LAMB, TWYLER MARIE

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,898

Applicant(s)

BRUCE, DAVID T.

Examiner

Twyler M. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11-13 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-13 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


TWYLER LAMB
PRIMARY EXAMINER

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-4, 11-13 and 17 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 22 of U.S. Patent No. 6,678,064. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 uses the phraseology "A printer for servicing one or more print requests comprising: a print queue for storing data associated with one or more print requests; a display screen for displaying the content of said one or more print requests; and control interface for controlling the processing of the print requests". Claim 2 uses the phraseology "further comprising executable code stored in a memory, wherein execution of the code by a processor causes the processor to: in response to user interaction with the control interface, display on the display screen the print requests stored in a first order". Claim 3 uses the phraseology "wherein execution of the code by a processor causes the processor to: in response to

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user interaction with the control interface, rearrange the order or requests stored in the queue". Claim 4 uses the phraseology "wherein execution of the code by a processor causes the processor to: in response to user interaction with control interface, select a print request stored in the queue". Which in combination, the independent claim 1 and the dependent claims 2-4 can be interpreted to be a broader statement of claim 1 of US Patent 6,678,064, which states "A printer for servicing one or more print requests comprising: a print queue for storing data associated with one or more print requests; a display screen for displaying the content of said one or more print requests; control interface for controlling the processing of the print requests; and executable code stored in a memory, wherein execution of the code by a processor causes the processor to: in response to user interaction with the control interface to display on the display screen the print requests stored in a first order; rearrange the order or requests stored in the queue; select a print request stored in the queue; and scroll through the content of the file associate with the selected print request:.

Further, claim 11 uses the phraseology "A method for processing one or more print requests submitted to a printer, said printer having a queue, a display, and user interface, said method comprising: storing the print requests in the queue; displaying the print requests stored in the queue; reconfiguring the order of the print requests stored in the queue, in response to user interaction with the user interface; selecting a print request stored in the queue, in response to user interaction with the user interface; and printing the selected print request, in response to user interaction with to user interface". Claim 12 uses the phraseology "further comprising: deleting the selected print request,

in response to user interaction with the user interface". Claim 13 uses the phraseology "further comprising: displaying the content of the file associated with the selected print request on the display, in response to user interaction with the user interface". Which in combination, the independent claim 11 and the dependent claims 12-13 can be interpreted to be a broader statement of claim 22 of US Patent 6,678,064, which states "A method for processing one or more print requests submitted to a printer, said printer having a queue, a display, and user interface, said method comprising: storing the print requests in the queue; displaying the print requests stored in the queue; reconfiguring the order of the print requests stored in the queue, in response to user interaction with the user interface; selecting a print request stored in the queue, in response to user interaction with the user interface; and printing the selected print request, in response to user interaction with to user interface; deleting the selected print request, in response to user interaction with the user interface; displaying the content of the file associated with the selected print request on the display, in response to user interaction with the user interface; and scrolling through the content of the file associated with the selected print request, in response to user interaction with the user interface".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9306

for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

Twyler Lamb

A handwritten signature in black ink, appearing to be 'Twyler Lamb', written over a horizontal line.

September 7, 2004